IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.55381 of 2007

NAGINA GOPE, SON OF LATE BUDHU GOPE, RESIDENT OF VILLAGE-RAHUI, POLICE STATION RAHUI, DISTRICT-NALANDA. -PETITIONER

Versus

1. THE STATE OF BIHAR,
2. CHIEF MANAGER, STATE BANK OF INDIA, BIHARSHARIF MAIN BRANCH, DISTRICT-NALANDA. -OPP.PARTIES.

9 11.11.2008 Petitioner has obtained a house building loan from the complainant Bank. In order to secure the said loan he has created an equitable mortgage of a landed property. According to the informant Bank, while depositing the title deed pertaining to the property mortgaged petitioner altered the same in order to show that instead of nine one fourth decimal petitioner has purchased seventeen one fourth decimal of land by the title deed deposited with the informant Bank. Copy of the case diary, as produced, is so faint that the learned counsel appearing on behalf of the State is unable to read all of the same. However, it does not appear that the seller Kaushika Nand has been examined in course of investigation. The learned counsel for the informant Bank has submitted that son of Kaushika Nand has also filed a similar complaint or information. Until such time Kaushika Nand, the seller, says that he has not sold seventeen one

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fourth decimal of land, the Bank has got a larger land by way of security. Be that as it may, petitioner, whose credentials have been examined by the informant Bank before grant of loan, has submitted to the court that he will fully co-operate in the matter of investigation. Considering the same and other aspects of the matter, as discussed above, the application for grant of anticipatory bail of the petitioner is allowed.

Let the petitioner, in the event of his arrest or surrender within six weeks from today, be enlarged on bail on his furnishing bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda, in Bihar P.S. Case no. 383 of 2007, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

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(Barin Ghosh, J.)

AAhmad